

FEDERAL ELECTION
COMMISSION

2014 OCT 16 AM 8:48

OFFICE OF GENERAL
COUNSEL

MUR # 6882

Pursuant to 2 U.S.C. §437(g)(a)(1) and 11 C.F.R. §111.4 (2008), please accept this letter as a Complaint against Emily Cain ("Cain") and the Cain for Congress Committee ("Committee") for operating in violation of the Federal Election Campaign Act of 1971, as amended (the "Act"), and Federal Election Commission ("FEC" or "Commission") regulations, and more specifically, for the advertising disclaimer requirements set forth in 52 U.S.C. 30120 and 11 CFR part 110.

The Cain for Congress Committee is the authorized principal campaign committee for Emily Cain, a candidate for the U.S. House of Representatives seat representing Maine's 2nd Congressional District. Cain is currently appearing in an advertisement paid for and disseminated by the Committee entitled "Truth" ("Advertisement"). The Advertisement features Cain as the main speaker, and began airing on October 7, 2014. The written disclaimer at the end of the Advertisement reads only "Paid for by Cain for Congress." Although the Advertisement includes Cain's oral statement of approval, it unlawfully fails to include a clearly readable written statement of approval at the end of the commercial.

Television communications (or any broadcast, cable or satellite transmission) authorized or paid for by a campaign require certain disclaimers to indicate that the candidate has approved the advertisement. The candidate must deliver an audio statement identifying himself or herself and stating that he or she has approved of the communication. For example: "I am [candidate's name], a candidate for [federal office sought], and I approved this advertisement." See 52 U.S.C. 30120(d)(1)(B)(i); 11 CFR § 110.11(c)(3)(ii).

Additionally, television communications must contain a clearly readable written statement of approval, similar to what is spoken, that appears at the end of the communication for a period of at least four seconds with a reasonable degree of color contrast between the background and the disclaimer statement (e.g., black text on white background). The written statement must occupy at least four percent of the vertical picture height. See 52 U.S.C. 30120(d)(1)(B)(ii); 11 CFR § 110.11(c)(3)(iii).

III. Legal Analysis

Simply put, Cain and the Committee failed to include the written statement of approval in the Advertisement. As a result of the absence of a "clearly readable" written disclaimer at the end of the television communication, Cain and the Committee violated federal law and failed to satisfy the requirements of 11 CFR § 110.11(c)(3)(iii). Accordingly, the Advertisement is undoubtedly impermissible and in clear violation of both Federal law and FEC Regulations.

IV. Conclusion

Upon information and belief, and based upon the facts relayed herein, Emily Cain and the Cain for Congress Committee have violated the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations. Accordingly, we respectfully request that the Commission conduct an immediate investigation into the violations outlined above and impose the maximum penalty under law.

The foregoing is correct and accurate to the best of my knowledge, information and belief.

Respectfully submitted,

NAME David Sorensen

Sworn to and subscribed before me this 9 day of October, 2014.

State of Maine
County of Kennebec

Cynthia B. Phillips
Notary Public

My Commission Expires:

